

respectfully submitted that the applicants have provided sufficient evidence to establish a date of invention on or before September 26, 1997, and at the very least a date of invention on or before October 8, 1997.

Since Cato (U.S. Patent No. 6,412,111) has a U.S. filing date of October 9, 1997, it is respectfully submitted that the applicants' date of invention on or before September 26, 1997 predates the U.S. filing date of Cato. As such, Cato no longer qualifies as prior art under 35 U.S.C. §102(e) since the invention was not "described in a patent granted on an application for patent by another filed in the United States *before the invention thereof by the applicant for patent.*" MPEP 2136.05, MPEP 715.

**REJECTION UNDER 35 U.S.C. §102:**

On pages 2-10 of the Office Action, the Examiner rejects claims 16-35 and 37-81 under 35 U.S.C. §102(e) in view of Cato (U.S. Patent No. 6,412,111). The rejection is respectfully traversed and reconsideration is requested.

Since Cato is no longer prior art as discussed above, and since the Examiner cites no other prior art as anticipating claims 16-35 and 37-81, it is respectfully submitted that claims 16-35 and 37-81 are deemed patentable.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at pages 11-13, the Examiner rejects claims 36 and 82-85 under 35 U.S.C. §103 in view of Cato and either the Examiner's taking Official Notice of various elements or Mankovitz (U.S. Patent No. 6,459,719). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's taking Official Notice of the various elements is proper and Mankovitz discloses the features as described in the Office Action, neither the Examiner's taking Official Notice nor Mankovitz are relied upon as disclosing and do not disclose the features of the recited invention without Cato. Since Cato is not prior art as discussed above, it is respectfully submitted that claims 36 and 82-85 remain patentable over the Examiner's taking Official Notice and/or Mankovitz.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus,

**SERIAL NO. 09/210,472**

**DOCKET NO. 1399.1001/JGM**

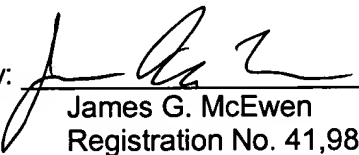
there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:   
James G. McEwen  
Registration No. 41,983

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

Date: SEPT. 30, 2005